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**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

ANGENORA COLLINS,)	Case No.: 4:19-cv-06152-HSG
)	
Plaintiff,)	
)	AMENDED COMPLAINT AND
v.)	DEMAND FOR JURY TRIAL
)	
NAVIENT SOLUTIONS, LLC,)	
)	Hon. Haywood S. Gilliam, Jr.
Defendant.)	
)	Hearing Date: December 12, 2019
)	Hearing Time: 2:00 p.m.
)	Courtroom: 2, 4th Floor
)	Complaint Filed: September 27, 2019

AMENDED COMPLAINT

ANGENORA COLLINS (“Plaintiff”), by and through her attorneys,
KIMMEL & SILVERMAN, P.C., alleges the following against NAVIENT
SOLUTIONS, LLC (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the State of California and the acts and omissions described below occurred primarily in the State of California. As such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Oakland, California.

6. Plaintiff is a "person" as that term is defined by 47 U.S.C. § 153(39).

7. Defendant is a business entity with an office located at 123 Justison Street, Suite 300, Wilmington, Delaware 19801.

8. Defendant is a "person" as that term is defined by 47 U.S.C. §153(39).

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. At all times relevant hereto, Plaintiff had a cellular telephone.

11. Until around 2017, the telephone numbers associated with Plaintiff's cellular telephone had the last four digits 6734. Plaintiff subsequently obtained a new cellular telephone, the last four digits of which were 3948.

12. Plaintiff has only used those numbers in connection with a cellular telephone.

13. Sometime in or before October of 2015, Defendant began its campaign of repeated harassing telephone calls to Plaintiff, concerning her alleged student loan debt.

14. When calling Plaintiff on her cellular telephone, Defendant used an automatic telephone dialing system and automatic and/or pre-recorded messages.

15. Plaintiff knew that the calls were automated, as when she answered the telephone there was a noticeable pause or delay with no caller on the line before she was transferred to a representative or the call terminated.

16. Plaintiff also received voice messages containing an automated message.

17. Defendant's telephone calls were not made for "emergency purposes.

18. In or around October 2015, shortly after the calls started, Plaintiff first told Defendant to stop calling.

1 19. Once Defendant was informed that its calls were unwanted and to
2 stop, there was no lawful purpose to making further calls, nor was there any good
3 faith reason to place calls.
4

5 20. However, Defendant continued to make automated telephone calls to
6 Plaintiff on her cellular telephone, calling her multiple times per day.
7

8 21. Plaintiff has advised Defendant on various occasions to stop calling.
9

10 22. In doing so, Plaintiff revoked any consent Defendant had to call her
11 cellular telephone.
12

13 23. The calls continued through at least 2018.
14

15 24. Upon information and belief, as of the date of the filing of this
16 amended complaint, Plaintiff is still receiving harassing calls from Defendant.
17

18
19 **COUNT I**
20 **DEFENDANT VIOLATED THE**
21 **TELEPHONE CONSUMER PROTECTION ACT**
22

23 25. Plaintiff incorporates the forgoing paragraphs as though the same were
24 set forth at length herein.
25

26 26. Defendant initiated multiple automated telephone calls to Plaintiff's
27 cellular telephone using a prerecorded voice.
28

29 27. Defendant initiated these automated calls to Plaintiff using an
30 automatic telephone dialing system.
31

32 28. Defendant's calls to Plaintiff were not made for emergency purposes.
33

1 29. After Defendant was told to stop calling, the Defendant knew or
2 should have known it did not have consent to call and that any consent, if any, it
3 may have thought it had was revoked, yet Defendant continued to call willfully and
4 knowingly.

5
6 30. Defendant's acts as described above were done with malicious,
7 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
8 under the law and with the purpose of harassing Plaintiff.

9
10 31. The acts and/or omissions of Defendant were done unfairly,
11 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,
12 lawful right, legal defense, legal justification or legal excuse.

13
14 32. As a result of the above violations of the TCPA, Plaintiff has suffered
15 the losses and damages as set forth above entitling Plaintiff to an award of
16 statutory, actual and treble damages.

17
18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff, ANGENORA COLLINS, respectfully prays for a
20 judgment as follows:

- 21 a. All actual damages suffered pursuant to 47 U.S.C. §
22 227(b)(3)(A);
23
24 b. Statutory damages of \$500.00 per telephone call pursuant to 47
25 U.S.C. § 227(b)(3)(B);

- 1 c. Treble damages of \$1,500.00 per telephone call pursuant to 47
2 U.S.C. §227(b)(3) or alternatively that amount for all calls
3 made after Defendant was notified that they were calling the
4 wrong person and wrong number;
5
6 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);
7
8 e. Any other relief deemed appropriate by this Honorable Court.
9

10 **DEMAND FOR JURY TRIAL**

11 PLEASE TAKE NOTICE that Plaintiff, ANGENORA COLLINS, demands
12 a jury trial in this case.
13

14 RESPECTFULLY SUBMITTED,
15 KIMMEL & SILVERMAN, P.C.
16

17 Dated: 11/19/19

18 By: /s/ Amy L. Bennecoff Ginsburg
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, Amy L.B. Ginsburg, hereby certify that I served a true and correct copy of the foregoing amended complaint on all parties of record via ECF.

/s/ Amy L.B. Ginsburg

November 19, 2019